

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

EMMETT W. CALDWELL, DANIEL RICE,
MICHAEL LEONARD, JAMES BRUNO,
on behalf of themselves and others similarly
situated,

Plaintiffs,

v.

THE ROMAN CATHOLIC ARCHDIOCESE OF
NEW YORK, and THE ROMAN CATHOLIC
DIOCESE OF BROOKLYN,

Defendants.

Civil Action No.: 1:20-cv-1090-VSB

**STIPULATION AND
[PROPOSED] ORDER**

WHEREAS, on January 3, 2020, plaintiffs Emmett W. Caldwell, Daniel Rice, Michael Leonard, and James Bruno, by and through counsel, commenced this action in the Supreme Court of the State of New York, County of New York by filing a summons and complaint (the “Complaint”) bearing Index No. 950003/2020;

WHEREAS, on February 7, 2020, plaintiffs, by and through counsel, agreed to discontinue the action without prejudice as to defendant Roman Catholic Diocese of Rockville Centre, and a stipulation to that effect was filed in the Supreme Court of the State of New York, County of New York;

WHEREAS, on February 7, 2020, defendant The Archdiocese of New York, by and through counsel, removed this action from the Supreme Court of the State of New York, County of New York to this Court;

WHEREAS, on March 30, 2020, defendants The Archdiocese of New York and the Brooklyn Diocese filed a motion to dismiss the Complaint;

WHEREAS, on April 1, 2020, the Court issued an Order directing plaintiffs to file an amended complaint by April 20, 2020, or, in the absence of such a filing, to respond to defendants' motion to dismiss by April 30, 2020, with defendants' reply, if any, served by May 14, 2020;

WHEREAS, on April 20, 2020, plaintiffs Emmett W. Caldwell, Daniel Rice, Michael Leonard, and James Bruno filed an amended complaint (the "Amended Complaint") against The Archdiocese of New York and the Brooklyn Diocese;

WHEREAS, May 4, 2020 is the current deadline for defendants The Archdiocese of New York and the Brooklyn Diocese to answer, move or otherwise respond to the Amended Complaint;

WHEREAS, it is defendants' intention to file a motion to dismiss the Amended Complaint and, given the current COVID-19 pandemic, the parties have agreed, pending the Court's approval, to a briefing schedule for defendants' motion to dismiss the Amended Complaint;

IT IS NOW HEREBY STIPULATED AND AGREED AND ORDERED as follows:

1. Defendants The Archdiocese of New York and the Brooklyn Diocese's motion to dismiss the Amended Complaint shall be served and filed by May 18, 2020;
2. Plaintiffs Emmett W. Caldwell, Daniel Rice, Michael Leonard, and James Bruno shall serve and file their opposition to defendants' motion to dismiss by June 15, 2020;
3. Defendants shall serve and file their reply in further support of their motion to dismiss by June 29, 2020.

Dated: April 28, 2020

HERMAN LAW

/s/ Stuart S. Mermelstein

Stuart S. Mermelstein
434 W. 33rd Street, Penthouse
New York, New York 10010
Telephone: (212) 390-0100
Facsimile: (305) 931-0877
smermelstein@hermanlaw.com

Attorneys for Plaintiffs
Emmett W. Caldwell, Daniel Rice, Michael
Leonard, and James Bruno

KELLEY DRYE & WARREN LLP

/s/ John M. Callagy

John M. Callagy
Michael C. Lynch
Randall L. Morrison, Jr.
101 Park Avenue
New York, New York 10178
Telephone: (212) 808-7800
Facsimile: (212) 808-7897
jcallagy@kelleydrye.com
mlynch@kelleydrye.com
rmorrison@kelleydrye.com

Attorneys for Defendant
the Brooklyn Diocese

PROSKAUER ROSE LLP

/s/ Bettina B. Plevan

Bettina B. Plevan
Margaret A. Dale
Edna D. Guerrasio
Eleven Times Square
New York, New York 10036
Telephone: (212) 969-3000
Facsimile: (212) 969-2900
bplevan@proskauer.com
mdale@proskauer.com
eguerrasio@proskauer.com

Attorneys for Defendant
the Archdiocese of New York

Dated: April , 2020

Hon. Vernon S. Broderick, U.S.D.J.